PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P016791WO	FOR FURTHER ACTION	See Form PCT/PEA/416

International application No. PCT/GB2004/001224	International filing date *(day/month/year)* 19.03.2004	Priority date *(day/month/year)* 26.03.2003

International Patent Classification (IPC) or national classification and IPC
H04L12/58, H04Q7/22

Applicant
INTELLPROP LIMITED et al

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☐ *sent to the applicant and to the International Bureau)* a total of 4 sheets, as follows:

       ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

       ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

   ☒ Box No. I   Basis of the opinion

   ☐ Box No. II   Priority

   ☐ Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   ☐ Box No. IV   Lack of unity of invention

   ☒ Box No. V   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   ☐ Box No. VI   Certain documents cited

   ☐ Box No. VII   Certain defects in the international application

   ☐ Box No. VIII   Certain observations on the international application

Date of submission of the demand 15.10.2004	Date of completion of this report 27.06.2005
Name and mailing address of the International preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Pasini, E Telephone No. +49 89 2399-6968

Box No. I   Basis·of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐   This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
       ☐ international search (under Rules 12.3 and 23.1(b))
       ☐ publication of the international application (under Rule 12.4)
       ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

   Description, Pages

   1-8   as originally filed

   Claims, Numbers

   1-34   filed with telefax on 27.01.2005

   Drawings, Sheets

   1/1   as originally filed

   ☐   a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐   The amendments have resulted in the cancellation of:
       ☐ the description, pages
       ☐ the claims, Nos.
       ☐ the drawings, sheets/figs
       ☐ the sequence listing *(specify)*:
       ☐ any table(s) related to sequence listing *(specify)*:

4. ☐   This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
       ☐ the description, pages
       ☐ the claims, Nos.
       ☐ the drawings, sheets/figs
       ☐ the sequence listing *(specify)*:
       ☐ any table(s) related to sequence listing *(specify)*:

   *   *If item 4 applies, some or all of these sheets may be marked "superseded."*

Box No. V   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-34
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-34
Industrial applicability (IA)	Yes:	Claims	1-34
	No:	Claims	

2. Citations and explanations (Rule 70.7):

   see separate sheet

Cited Documents

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 6292669 B1
D2: WO 03/019959 A1
D3: WO 99/12364 A2

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

A. Novelty / Inventive step

1. The present **claims** are considered to not meet the requirements of the Article 33 PCT for the following reasons.

2. **Document D1** discloses (column 1, line 65 to column 2, line 55; column 4, line 57 to column 7, line 47; figures 1, 3 and 5), according to the **essential** features of **claim 1**, a telecommunication services apparatus for use with a telephone messaging system (column 2, lines 52-57), the apparatus comprising means for recognising a predefined arrangement of one or more characters as **a prefix** to a destination address of a message (column 6, lines 33-47) being submitted to the telephone messaging system (column 6, lines 33-37), and means responsive to recognition by the recognising means to select a function required by the sender of the message (column 6, line 66 to column 7, line 4) so as to change the normal message delivery function thereby to change or augment the processing or routing (column 7, lines 5-6; column 6, lines 40-42) wherein the function selecting means comprises a message router (see in particular column 5, lines 52-65: "short message gateway MSC", "submits the short message to the routing address obtained by the database search") selectively operable to divert messages (see in particular column 2, lines 37-40: "route the short message towards a **secondary** short message service center offering the chosen service"; see also figure 3) away from a message service center

of the messaging system (see in particular column 2, lines 29-32: "short message service center is stored in a mobile station", "short messages are **primarily** sent to said address").

The subject-matter of **claim 1** differs, from that disclosed in **D1** merely in that the predefined arrangement of characters is **a suffix** to a destination address of a message, instead of a **prefix**.

However, starting from the predefined arrangement of characters placed at the **beginning** of a destination address of **D1**, it would be evident to the skilled person that a placement of the same predefined arrangement of characters at the **end** of the destination address is also possible. Furthermore, the mere minor detail of adding a predefined arrangement of characters as a **suffix** to a destination address of a message is also normally known in the art, as shown for example in **D2** (see e.g. page 16, lines 20-24: "SMS messages", "business message service...identified by the suffix" and also page 19, line 25 to page 20, line 1), related to short message communication system similar to that of **D1**.

Consequently, starting from the predefined arrangement of characters as a **prefix** to a destination address of **D1,** the mere minor modification of placing said predefined arrangement of characters as a **suffix** to said destination address, e.g. as in **D2**, would merely represent a straightforward implementation choice for the skilled person.

Therefore, the subject-matter of present **claim 1** lacks an inventive step (Article 33(3) PCT).

3. The same considerations as made in paragraph 2 above are also valid for present independent **claim 17**, as its subject-matter corresponds to the features of present **claim 1** claimed with reference to a method.

    Therefore, the subject-matter of present **claim 17** lacks an inventive step (Article 33(3) PCT).

4.   Dependent **claims 2 to 16 and 18 to 32** do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the Article 33(3) PCT in respect of **inventive step**, because they are either derivable from the cited documents or represent obvious design possibilities for a person skilled in the field of messaging in wireless communications.

a)   **Claims 2 and 18:** See **D1** (column 6, lines 40-43).

b)   **Claims 3 and 19 :** See **D2** (page 16, lines 7-8).

c)   **Claims 4 and 20:** See **D1** (column 6, lines 40-43) or **D2** (page 16, line 7).

d)   **Claims 5 and 21 :** See **D2** (page 6, line 16-18).

e)   **Claims 6 and 22 :** Obvious details, merely representing an obvious choice of implementation, e.g. derivable from **D1** (column 6, lines 40-43) or **D2** (page 16, line 7).

f)   **Claims 7 and 23 :** See **D1** (column 7, lines 5-6) or **D2** (page 16, line 7).

g)   **Claims 8 and 24 :** See **D2** (page 6, lines 15-18).

h)   **Claims 9 and 25 :** See **D2** (page 6, lines 7-18; page 16, line 9).

I)   **Claims 10 and 26 :** See **D1** (column 7, lines 5-6) or **D2** (page 16, lines 7-11).

l)   **Claims 11, 12 and 27, 28 :** Obvious details, merely representing straightforward choices of implementation, e.g. derivable from **D2** (page 6, lines 7-18).

m)   **Claims 13 and 29 :** Obvious details, e.g. derivable from **D1** (column 6, lines 39-41).

n)   **Claims 14 and 30 :** Straightforward implementation choice, as shown for example in **D3** (page 1, line 1 to page 5, line 32; see in particular page 5, lines 22-24).

o)   **Claims 15 and 31 :** Straightforward implementation choice, as shown for example in **D3** (page 4, lines 10-17).

p)   **Claims 16 and 32 :** Straightforward implementation choice, as shown for example in **D2** (page 12, lines 7-25).

Therefore, dependent **claims 2 to 16 and 18 to 32** do not meet the requirements of the Article 33(3) PCT.

5.   The same considerations as made in paragraphs 1 to 5 above are also valid for independent **claim 33**, as its subject-matter relates to a computer program for implementing a method according to any one of claims 17 to 32.

Therefore, independent **claim 33** does not meet the requirements of the Article 33(3)

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6.   The same considerations as made in paragraph 6 above are also valid for independent **claim 34**, as its subject-matter relates to a storage medium storing a computer program according to claim 33.

Therefore, independent **claim 34** does not meet the requirements of the Article 33(3) PCT.

B.   Certain defects

1.   The **claims** do not meet the requirements of **clarity** (Article 6 PCT) for the following reasons:

1.1   The subject matter of independent **claim 33** does not clearly specify the essential features of the invention, e.g. as "a computer program comprising code means adapted to perform all the steps of the method according to any one of claims 17 to 32 when said program is run on a computer" (Article 6 PCT and the PCT Guidelines, 5.15 and 5.33).

1.2   The present formulation of **claim 34** ("a storage medium storing etc.", instead of e.g. "a computer program according to claim 33 wherein said program is stored on a storage medium") instead of specifying the essential features (Article 6 PCT and Guidelines, 5.15 and 5.33) of the claimed "storage medium", unclearly attempts to define said "storage medium" by reference to the features of the unrelated "program according to claim 33" (Article 6 PCT and Guidelines 5.37).

2.   The independent claims are not in the two-part form recommended by Rule 6.3 (b) PCT, which in the present case would be appropriate, having a pre-characterizing portion which reflects the prior art of document **D1** (Rule 6.3(b) (I) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

3.   The claims do not include reference signs relating to the technical features referred to therein (Rule 6.2(b) PCT).

4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the cited documents **D1 and D2** is not mentioned in the description, nor are the relevant contents of these documents discussed therein.

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CLAIMS

1. Telecommunications services apparatus for use with a telephone messaging system, the apparatus comprising means for recognising a predefined arrangement of one or more characters as a suffix to a destination address of a message being submitted to the telephone messaging system, and means responsive to recognition by the recognising means to select a function required by the sender of the message so as to change the normal message delivery function thereby to change or augment the processing or routing of the message, wherein the function selecting means comprises a message router selectively operable to divert messages away from a message service centre of the messaging system.

2. Apparatus according to claim 1, wherein the function selecting means is operable, upon recognition by the recognising means, to forward the received message to an alternative delivery means.

3. Apparatus according to claim 2, wherein the alternative delivery means provides an archive or copy function.

4. Apparatus according to claim 2 or claim 3, wherein the alternative delivery means includes means for translating the received message into email form, and means for delivering the translated message in email form.

5. Apparatus according to claim 2, claim 3 or claim 4, wherein the alternative delivery means may be operable to forward the received message to more than one destination.

6. Apparatus according to any one of claims 2 to 5, wherein the alternative delivery means is operable to forward the message to the sender of the message.

7. Apparatus according to any one of claims 2 to 6, wherein the alternative delivery means is operable to forward the message to the message recipient.

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8. Apparatus according to any one of claims 2 to 7, wherein the function selecting means is operable both to send the message by the normal delivery function, and also to send the message by the alternative delivery means.

9. Apparatus according to claim 8, wherein the function selecting means is operable to remove the suffix from the destination address before sending the message by the normal delivery function.

10. Apparatus according to any one of claims 2 to 7, wherein the function selecting means is operable to send the message by the alternative delivery means only.

11. Apparatus according to any one of claims 2 to 7, wherein the function selecting means has a default setting for sending the message both by the normal delivery function and also by the alternative delivery means, and recognition of the suffix is operable to override the default setting so as to override the normal delivery function.

12. Apparatus according to any one of claims 1 to 10, wherein the function selecting means has a default setting for change of the normal message delivery function, and recognition of the suffix is operable to override the default setting.

13. Apparatus according to claim 2, or any one of claims 3 to 12 when dependent on claim 2, including a database storing destination addresses for the alternative delivery means.

14. Apparatus according to claim 13, wherein the database is operable to map between caller identifiers and the destination addresses for the alternative delivery means.

15. Apparatus according to any one of claims 1 to 14, wherein the function selecting means may be provisioned by receipt of a message.

16. Apparatus according to any one of claims 1 to 15, wherein the function selecting means may be provisioned via a web interface.

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17.　A telecommunications services method in a telephone messaging system, the method comprising recognising a predefined arrangement of one or more characters as a suffix to a destination address of a message being submitted to the telephone messaging system, and selecting a function required by the sender of the message upon recognition of the suffix so as to change the normal message delivery function thereby to change or augment the processing or routing of the message, wherein a message router performs the function selecting step by selectively diverting messages away from a message service centre of the messaging system.

18.　A method according to claim 17, wherein the selected function forwards the received message to an alternative delivery means.

19.　A method according to claim 18, wherein the alternative delivery means provides an archive or copy function.

20.　A method according to claim 18 or claim 19, wherein the alternative delivery means translates the received message into email form, and delivers the translated message in email form.

21.　A method according to claim 18, claim 19 or claim 20, wherein the alternative delivery means may forward the received message to more than one destination.

22.　A method according to any one of claims 18 to 21, wherein the alternative delivery means forwards the message to the sender of the message.

23.　A method according to any one of claims 18 to 22, wherein the alternative delivery means forwards the message to the message recipient.

24.　A method according to any one of claims 18 to 23, wherein the message is sent both by the normal delivery function and by the alternative delivery means.

25.　A method according to claim 24, wherein the suffix is removed from the destination address before sending the message by the normal delivery function.

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26. A method according to any one of claims 18 to 23, wherein the message is sent by the alternative delivery means only.

27. A method according to any one of claims 18 to 23, wherein recognition of the suffix in a received message overrides a default setting for sending the message both by the normal delivery function and also by the alternative delivery means, so as to override the normal delivery function.

28. A method according to any one of claims 17 to 26, wherein recognition of the suffix in a received message overrides a default setting for change of the normal message delivery function.

29. A method according to claim 18, or any one of claims 19 to 28 when dependent on claim 18, wherein destination addresses for the alternative delivery means are stored in a database.

30. A method according to claim 29, wherein the database maps between caller identifiers and the destination addresses for the alternative delivery means.

31. A method according to any one of claims 17 to 30, wherein function selection may be provisioned by receipt of a message.

32. A method according to any one of claims 17 to 31, wherein function selection may be provisioned via a web interface.

33. A computer program for implementing a method according to any one of claims 17 to 32.

34. A storage medium storing a computer program according to claim 33.